

# Order

Michigan Supreme Court  
Lansing, Michigan

October 28, 2009

Marilyn Kelly,  
Chief Justice

139040

Michael F. Cavanagh  
Elizabeth A. Weaver  
Maura D. Corrigan  
Robert P. Young, Jr.  
Stephen J. Markman  
Diane M. Hathaway,  
Justices

LAKETON TOWNSHIP  
Plaintiff-Appellant,

v

SC: 139040  
COA: 276986  
Muskegon CC: 06-044687-CE

ADVANSE, INCORPORATED,  
Defendant-Appellee.

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On order of the Court, the application for leave to appeal the March 24, 2009 judgment of the Court of Appeals is considered and, pursuant to MCR 7.302(H)(1), in lieu of granting leave to appeal, we REVERSE the judgment of the Court of Appeals and REINSTATE the February 9, 2007 opinion and order and the February 28, 2007, judgment and final order for injunctive relief of the Muskegon Circuit Court. Under § 200 of the 1979 zoning ordinance, use of the subject premises, which were zoned Residential District A, was restricted to “single family dwellings.” Single family dwellings were a subset of the 1979 ordinance’s more expansive definition of “dwelling.” Therefore, the defendant’s expansion of the rental use of the subject premises to include the main residence situated on the property, after purchasing it in 2003, constituted an impermissible expansion of an existing nonconforming use lawful under the 1979 ordinance.



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I, Corbin R. Davis, Clerk of the Michigan Supreme Court, certify that the foregoing is a true and complete copy of the order entered at the direction of the Court.

October 28, 2009

*Corbin R. Davis*

Clerk